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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 STEVEN BRAUNSTEIN,
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11 *Petitioner,*

12 vs.

13 JAMES DZURENDA , *et al.*,
14

15 *Respondent.*
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2:17-cv-02731-APG-CWH

ORDER

17 Petitioner has submitted an application to proceed *in forma pauperis* and a petition for a writ
18 of habeas corpus pursuant to 28 U.S.C. § 2254.¹ ECF No. 1 The court finds that petitioner is able to
19 pay the full filing fee of five dollars (\$5.00).

20 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF No.
21 1) is DENIED. Petitioner shall have **thirty (30) days** from the date that this order is entered to have
22 the filing fee of five dollars (\$5.00) sent to the clerk of the court. Failure to comply will result in the
23 dismissal of this action.

24 **IT IS FURTHER ORDERED** that the clerk of the court shall send petitioner two copies of this
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27 ¹ Though styled as a proceeding under 28 U.S.C. § 2241, the petition seeks relief from
28 custody imposed by a state court judgment, which places it under 28 U.S.C. § 2254. *See White v. Lambert*, 370 F.3d 1002, 1007 (9th Cir. 2004) (confirming that § 2254 is the exclusive avenue for a state court prisoner to challenge the constitutionality of his detention).

1 order. Petitioner is ordered to make the necessary arrangements to have one copy of this order attached
2 to the check paying the filing fee.

3 DATED: November 20, 2017.

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6 UNITED STATES DISTRICT JUDGE
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